

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF OHIO
3 WESTERN DIVISION

4 * * *

5 HOBART CORPORATION, et al.,

6 Plaintiffs,

7 vs. CASE NO. 3:13-cv-00115-WHR

8 THE DAYTON POWER AND

9 LIGHT COMPANY, et al.,

10 Defendants.

11 * * *

12 Deposition of HENRY JORDAN, Witness
13 herein, called by the Plaintiffs for
14 cross-examination pursuant to the Rules of Civil
15 Procedure, taken before me, Michelle A. Elam, a
16 Notary Public in and for the State of Ohio, at the
17 offices of Sebaly, Shillito + Dyer, 1900 Kettering
18 Tower, 40 North Main Street, Dayton, Ohio, on
19 Tuesday, the 17th day of September, 2013, at 9:33
20 a.m.

21 * * *

1	EXAMINATIONS CONDUCTED	PAGE
2	BY MR. SILVER:	7
3	BY MR. HAUGHEY:	46

5	EXHIBIT MARKED	PAGE
6	(Thereupon, Jordan Exhibit Number 1	22
7	was marked for purposes of	
8	identification.)	

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1 HENRY JORDAN
2 of lawful age, Witness herein, having been first
3 duly cautioned and sworn, as hereinafter
4 certified, was examined and said as follows:

5 CROSS-EXAMINATION

09:33:04 6 BY MR. SILVER:

09:33:04 7 Q. Hello, Mr. Jordan. My name is
09:33:10 8 Larry Silver, and I am an attorney representing
09:33:14 9 three companies that are involved in work at
09:33:18 10 the South Dayton dump and landfill in an
09:33:22 11 agreement with the Environmental Protection
09:33:25 12 Agency to do an environmental cleanup. And we
09:33:31 13 have filed a lawsuit against a lot of other
09:33:34 14 companies in which we are asking that they also
09:33:38 15 assist in paying for the environmental cleanup.
09:33:41 16 So that's what this case is all about.

09:33:46 17 And we are going to ask you some
09:33:48 18 questions about your employment at a couple of
09:33:51 19 companies over the years. And it's going to be
09:33:54 20 a question-and-answer session. So think of it
09:33:58 21 as a conversation where I ask you questions and
09:34:01 22 you answer them to the best of your ability and
09:34:04 23 knowledge. It's not a test. So you don't need
09:34:08 24 to -- you don't need to know the answer. Only
09:34:14 25 give the answers that you know and remember as

09:34:16 1 we go along. We're going to try to make it as
09:34:19 2 conversational as possible and as easy for you
09:34:21 3 as possible.

09:34:23 4 Have you ever had anything like
09:34:25 5 this before, got into a room and --

09:34:28 6 A. No, I have not.

09:34:29 7 Q. Never had that?

09:34:29 8 A. No.

09:34:32 9 Q. And have you ever testified in
09:34:35 10 court before?

09:34:35 11 A. No.

09:34:37 12 Q. Okay. So this is your first
09:34:38 13 experience at something like this?

09:34:40 14 A. Yes, it is.

09:34:40 15 Q. Just a couple of things to keep in
09:34:44 16 mind as we go through. One is when I -- wait
09:34:51 17 until I get to the end of my question before
09:34:53 18 you start to answer. And the reason for that
09:34:56 19 is the court reporter wants to get everything
09:34:59 20 down. So if we're talking -- if I'm
09:35:01 21 questioning at the same time you're answering,
09:35:05 22 she will get confused even though she's very
09:35:08 23 good at what she does.

09:35:10 24 A. Uh-huh.

09:35:11 25 Q. The next important thing for you

09:35:12 1 to remember is that if you don't understand the
09:35:15 2 question I'm asking, you can ask me to -- or
09:35:19 3 don't hear it, you can ask me to rephrase it or
09:35:22 4 repeat it. Okay? So don't be afraid if you
09:35:26 5 don't understand what I'm asking, I won't be --
09:35:29 6 I won't take it personally. Just let me know
09:35:32 7 and I'll ask it again or try it a different
09:35:35 8 way. Is that all right?

09:35:36 9 A. Okay.

09:35:36 10 Q. And the other important thing for
09:35:40 11 you to remember is in all of your answers, even
09:35:42 12 if it's a yes or no answer, say it out loud.
09:35:47 13 The court reporter may not see you shaking your
09:35:51 14 head and she's going to want to get it down as
09:35:53 15 a yes or no. So say all your answers out loud.
09:35:56 16 Can you do that?

09:35:57 17 A. Yeah. Yeah, I think so.

09:35:59 18 Q. Okay. Good. You're doing well.
09:36:05 19 Other lawyers may ask you questions when I'm
09:36:08 20 done in the room. I don't expect that there
09:36:09 21 will be a lot of lawyers that ask you
09:36:12 22 questions, but one or two others may have a few
09:36:15 23 questions for you.

09:36:16 24 A. Uh-huh.

09:36:16 25 Q. And finally, if you need a break

09:36:18 1 at any time, just signal and we can take a
09:36:23 2 break if you're getting tired or for any other
09:36:27 3 reason. Would you like a break now?
09:36:30 4 A. No. I'm okay.
09:36:30 5 Q. Okay. We're going to get started.
09:36:36 6 Thanks.
09:36:36 7 Can you state your full name?
09:36:38 8 A. Henry Jordan.
09:36:39 9 Q. Thank you. And what's your
09:36:42 10 address?
09:36:43 11 A. 6200 Germantown Pike, Dayton,
09:36:47 12 Ohio.
09:36:49 13 Q. Thanks. And what is your date of
09:36:51 14 birth?
09:36:52 15 A. 1-21-31.
09:36:55 16 Q. And where were you born?
09:37:03 17 A. Where I was born?
09:37:06 18 Q. Yes.
09:37:06 19 A. January the 21st, 1931.
09:37:08 20 Q. And what -- what state were you
09:37:11 21 born?
09:37:11 22 A. Mississippi.
09:37:12 23 Q. What town in Mississippi?
09:37:14 24 A. What time was it?
09:37:17 25 Q. What town, what city?

09:37:18 1 A. Oh, Sharkey County.

09:37:19 2 Q. That's the county?

09:37:20 3 A. Yeah.

09:37:21 4 Q. Shacka?

09:37:25 5 MS. JORDAN: Sharkey.

09:37:25 6 Q. Did you at some point in your life
09:37:33 7 move to Ohio?

09:37:34 8 A. I didn't understand that.

09:37:35 9 Q. Did you move to Ohio at some time
09:37:37 10 after you were born?

09:37:39 11 A. Yes. I was -- I came here in
09:37:45 12 1953.

09:37:46 13 Q. And what brought you to Ohio?

09:37:52 14 A. A job.

09:37:53 15 Q. Okay. And what town did you come
09:38:03 16 to? What city in Ohio did you come to?

09:38:06 17 A. Dayton, Ohio.

09:38:08 18 Q. What job did you come to work at?

09:38:11 19 A. I came to work at GH&R Foundry.

09:38:16 20 Q. What foundry?

09:38:17 21 A. The GH&R Foundry.

09:38:20 22 Q. And how long did you work for the
09:38:22 23 GH&R Foundry?

09:38:24 24 A. Possibly about two months.

09:38:34 25 Q. Just two months. What did you do

09:38:36 1 for them?

09:38:36 2 A. I was on the shake-out.

09:38:41 3 Q. Say that again?

09:38:42 4 A. The shake-out.

09:38:44 5 Q. The shake-out.

09:38:45 6 A. Yeah.

09:38:45 7 Q. What is the shake-out?

09:38:47 8 A. Well, the shake-out is stuff roll
09:38:50 9 out on the belt and you take it -- take it off
09:38:54 10 the belt.

09:38:55 11 Q. Take it off the belt?

09:38:56 12 A. Uh-huh.

09:38:57 13 Q. And what kind of stuff was rolling
09:38:59 14 along the belt?

09:39:01 15 A. Wheel cylinders.

09:39:04 16 Q. Wheel cylinders?

09:39:06 17 A. Yeah, similar like your brakes.

09:39:09 18 Q. You take them off the belt --

09:39:12 19 A. And put them in the tub as fast as
09:39:14 20 I could.

09:39:15 21 Q. As fast as you could.

09:39:16 22 A. Yeah.

09:39:16 23 Q. It reminds me of the I Love Lucy
09:39:20 24 TV show. All right. And you worked there for
09:39:24 25 two months?

09:39:24 1 A. Yeah. I got laid off and worked
09:39:29 2 construction for a while. And I wanted a
09:39:34 3 year-round job so I went to Franklin Iron &
09:39:38 4 Metal Company.

09:39:38 5 Q. Okay.

09:39:40 6 A. So I could work year-round because
09:39:42 7 I had a family.

09:39:43 8 Q. How big a family did you have?

09:39:45 9 A. I had two at the time.

09:39:48 10 Q. Uh-huh.

09:39:50 11 A. Uh-huh.

09:39:50 12 Q. So Franklin Iron & Metal gave you
09:39:53 13 a job?

09:39:54 14 A. Yes.

09:39:55 15 Q. Okay. And where were they
09:39:59 16 located?

09:39:59 17 A. On First Street.

09:40:02 18 Q. First Street in Dayton?

09:40:05 19 A. Yes.

09:40:06 20 Q. Do you know if Franklin Iron & Metal
09:40:08 21 is still there?

09:40:14 22 A. I didn't quite understand you.

09:40:15 23 Q. I'll try again. Thanks for saying
09:40:17 24 that. Do you know if Franklin Iron & Metal is
09:40:20 25 still on First Street in Dayton?

09:40:22 1 A. I don't know.

09:40:31 2 Q. How long did you work for Franklin
09:40:34 3 Iron & Metal?

09:40:34 4 A. Oh, geez. I can't pinpoint the
09:40:42 5 exact time.

09:40:42 6 Q. Uh-huh. Well, you don't have to
09:40:46 7 pinpoint the exact time. Give me your best
09:40:49 8 information on that.

09:40:51 9 A. I guess I worked there maybe a
09:40:54 10 year.

09:40:54 11 Q. Just a year?

09:40:55 12 A. Well -- I can't remember exact
09:41:08 13 time and the years that I worked for Franklin
09:41:11 14 Iron & Metal.

09:41:11 15 Q. Uh-huh. Before you --

09:41:13 16 A. I left there and went to
09:41:16 17 Peerless --

09:41:17 18 Q. Uh-huh.

09:41:18 19 A. -- for better -- for more money.

09:41:23 20 Q. Peerless offered you a better pay?

09:41:25 21 A. I beg your pardon?

09:41:26 22 Q. Peerless offered you a better pay?

09:41:29 23 A. Well, there was already an
09:41:30 24 operator. I went there for more money.

09:41:34 25 Q. For more money. Okay?

09:41:36 1 A. Yeah.

09:41:37 2 Q. And do you know what year that
09:41:38 3 was?

09:41:38 4 A. That was in -- I can't remember.
09:41:48 5 But I know I worked there twenty -- about
09:41:55 6 twenty years.

09:41:55 7 Q. Twenty years?

09:41:58 8 A. Yeah.

09:41:59 9 Q. Did you retire after you worked at
09:42:02 10 Peerless?

09:42:02 11 A. Yes, I did.

09:42:03 12 Q. And how old were you when you
09:42:05 13 retired?

09:42:05 14 A. I was supposed to have been
09:42:11 15 fifty-five, but somewhere along the way they
09:42:13 16 made a mistake and I retired at fifty-four
09:42:19 17 years old.

09:42:20 18 Q. At fifty-four years old.

09:42:24 19 A. Yeah.

09:42:24 20 Q. And you told me you were born in
09:42:27 21 1931?

09:42:27 22 A. Yes.

09:42:28 23 Q. So I'm going to do some
09:42:30 24 arithmetic, and I'm coming up with in 1985 you
09:42:35 25 retired because you worked at -- you were

09:42:42 1 fifty-four years old when you retired from
09:42:45 2 Peerless. Does that sound right?

09:42:47 3 THE WITNESS: I retired in 1986,
09:42:50 4 wasn't it?

09:42:53 5 MS. JORDAN: 1986.

09:42:53 6 Q. All right. That's pretty close to
09:42:56 7 what I was saying. 1986 it is. So twenty
09:42:59 8 years at Peerless you said, right?

09:43:01 9 A. Yes.

09:43:02 10 Q. And did you start at Peerless --
09:43:04 11 if you retired in '86, did you start at
09:43:08 12 Peerless in about 1966?

09:43:10 13 A. Somewhere along in there, yes.

09:43:12 14 Q. And you started at GH&R in 1953,
09:43:16 15 right?

09:43:16 16 A. Yes.

09:43:18 17 Q. For the two months?

09:43:19 18 A. About two months. Two or three
09:43:21 19 months.

09:43:21 20 Q. And then you went to Franklin Iron
09:43:29 21 & Metal?

09:43:29 22 A. See, I got laid off at GH&R.

09:43:32 23 Q. That's right. That's what you
09:43:34 24 said. Then you did some construction?

09:43:36 25 A. Yes. I worked for V.R. Rolls

09:43:45 1 Corporation.

09:43:45 2 Q. V.R. Rolls, R O L L S?

09:43:47 3 A. Yeah.

09:43:48 4 Q. And what did V.R. Rolls do?

09:43:51 5 A. It was -- poured cement.

09:43:55 6 Q. Poured cement. Okay. How long
09:43:58 7 were you at V.R. Rolls?

09:44:00 8 A. I can't remember how many years I
09:44:07 9 was there. I was there quite a few years.

09:44:09 10 Q. At V.R. Rolls?

09:44:10 11 A. Uh-huh.

09:44:11 12 Q. Then where did you go after that?

09:44:18 13 A. After that I went to Franklin Iron
09:44:20 14 & Metal Company.

09:44:20 15 Q. Okay. And what did you do for
09:44:24 16 Franklin Iron & Metal Company?

09:44:26 17 A. I was a truck driver.

09:44:27 18 Q. And that was your first and only
09:44:29 19 job for Franklin Iron & Metal?

09:44:31 20 A. I didn't get it.

09:44:37 21 Q. So when you started with them, you
09:44:39 22 were a truck driver?

09:44:40 23 A. Yes.

09:44:41 24 Q. When you finished with them, were
09:44:43 25 you still a truck driver?

09:44:44 1 A. Well, when I finished with them, I
09:44:46 2 worked in the warehouse.

09:44:47 3 Q. In the warehouse. Okay. All
09:44:52 4 right. And what did you do in the warehouse?

09:44:54 5 A. I run the lift truck.

09:44:56 6 Q. And tell me a little bit about
09:45:01 7 that. Why were you -- what were you lifting
09:45:03 8 with the lift truck?

09:45:04 9 A. Well, you would take -- load bales
09:45:10 10 of paper in the trailer. You take it and stack
09:45:12 11 it.

09:45:12 12 Q. Bales of paper?

09:45:14 13 A. Yes.

09:45:14 14 Q. And why was Franklin Iron & Metal
09:45:17 15 loading bales of paper?

09:45:18 16 A. They had -- they would take to the
09:45:23 17 paper mill.

09:45:23 18 Q. Now, going back to when you were a
09:45:33 19 truck driver for Franklin Iron & Metal, what
09:45:36 20 kind of truck did you drive?

09:45:38 21 A. Dump trailer.

09:45:39 22 Q. Uh-huh. And what color was it?

09:45:41 23 A. Lord Jesus. The tractor was a pea
09:45:50 24 green, kind of a greenish looking.

09:45:53 25 Q. The tractor was pea green?

09:45:55 1 A. Yeah.

09:45:55 2 Q. And what about the trailer?

09:45:57 3 A. It was red. I'm not sure about
09:46:04 4 the trailer, because it was kind of rusted
09:46:07 5 looking. I don't know what color you'd call
09:46:10 6 that.

09:46:10 7 Q. Okay. A rusted look for the
09:46:12 8 trailer?

09:46:13 9 A. Yeah.

09:46:13 10 Q. And how many tons was the -- was
09:46:16 11 it?

09:46:16 12 A. How many ton?

09:46:21 13 Q. How many tons.

09:46:21 14 A. I'm not sure how many ton.

09:46:23 15 Q. Do you have an approximation?

09:46:26 16 A. Approximately about twenty-seven
09:46:29 17 feet long.

09:46:30 18 Q. Twenty-seven feet long.

09:46:32 19 A. It wasn't a long trailer. It was
09:46:34 20 a short trailer.

09:46:35 21 Q. Okay. And do you have an
09:46:37 22 approximation of the tonnage?

09:46:39 23 A. No, I don't.

09:46:39 24 Q. And what did you haul in this dump
09:46:47 25 trailer?

09:46:48 1 A. Well, most -- anything like iron,
09:46:54 2 paper, or if they had something they wanted to
09:46:57 3 dispose of, they load it and I would take it
09:46:59 4 away.

09:47:00 5 Q. And then they would load it at the
09:47:03 6 FIM facility on First Street? Where did you
09:47:12 7 pick up? Where did you pick up your loads
09:47:15 8 from?

09:47:15 9 A. I pick them up at Franklin Iron &
09:47:19 10 Metal Company and take them to different places
09:47:22 11 where they -- you know, where they route me to.

09:47:26 12 Q. I didn't catch the end of that.
09:47:28 13 Where they --

09:47:29 14 A. Route me to.

09:47:32 15 Q. Where they routed you to?

09:47:34 16 A. Yeah. They say take this such and
09:47:38 17 such a place. So that's where I would go.

09:47:39 18 Q. Okay. Were there other truck
09:47:42 19 drivers who drove dump trucks for Franklin Iron
09:47:46 20 & Metal at the time?

09:47:46 21 A. Well, there was other truck
09:47:50 22 drivers there, but they -- they drove straight
09:47:55 23 trucks.

09:47:55 24 Q. Straight trucks. What's a
09:47:57 25 straight truck?

09:47:58 1 A. That's a regular truck. They
09:48:00 2 didn't dump.

09:48:01 3 Q. I see.

09:48:04 4 A. See, what I call roughly a
09:48:06 5 sixteen- to eighteen-foot bed on them.

09:48:09 6 Q. Okay.

09:48:11 7 A. Uh-huh.

09:48:11 8 Q. Flatbed?

09:48:12 9 A. Flatbed.

09:48:13 10 Q. So your dump truck, you get routed
09:48:18 11 to different places. Did you ever get routed
09:48:22 12 to a dump on Dryden Road?

09:48:26 13 A. Sometime.

09:48:28 14 Q. And what was that dump called? Do
09:48:30 15 you remember?

09:48:31 16 A. I don't know.

09:48:33 17 Q. Have you ever heard of the South
09:48:35 18 Dayton dump?

09:48:35 19 A. Yes, I heard tale of it.

09:48:42 20 Q. You what?

09:48:43 21 A. I heard tale of it.

09:48:44 22 Q. Now, where was the dump on Dryden
09:48:47 23 Road that you -- that you drove to?

09:48:49 24 A. It was on River Road.

09:48:55 25 Q. River Road. Was it near Dryden

09:48:59 1 Road?

09:48:59 2 A. Yeah.

09:48:59 3 Q. Did Dryden Road go by other names
09:49:02 4 in the past?

09:49:03 5 A. Not to my knowledge.

09:49:10 6 Q. Have you ever heard of Broadway?

09:49:12 7 A. Broadway, yes.

09:49:13 8 Q. Have you ever heard of Springboro
09:49:16 9 Pike?

09:49:16 10 A. Yes.

09:49:16 11 Q. If I were to show you a diagram of
09:49:29 12 Dryden Road, would you be able to identify
09:49:31 13 where the dump is that you took the Franklin
09:49:35 14 Iron & Metal dump truck?

09:49:36 15 A. I would do my best. I'm not sure.

09:49:40 16 Q. All right. Well, let's give it a
09:49:42 17 try. I'll mark this as Jordan Exhibit 1,
09:50:42 18 please.

09:50:42 19 (Thereupon, Jordan Exhibit Number 1
09:50:43 20 was marked for purposes of identification.)

09:50:43 21 Q. Take a look at the diagram,
09:50:45 22 Mr. Jordan. And you'll see that there's a --
09:51:04 23 that Dryden Road is marked on it, I believe.

09:51:08 24 A. That's right here (indicating).
09:51:11 25 That's Dryden Road.

09:51:18 1 MS. JORDAN: Yes.

09:51:18 2 Q. And do you see where River Road is
09:51:20 3 marked on it?

09:51:20 4 A. Yes.

09:51:21 5 Q. What I'd like you to do is if you
09:51:23 6 can, with the blue pen -- no, let's go with the
09:51:33 7 green that I'm about to hand you, if you can
09:51:35 8 mark the dump where you drove the dump truck
09:51:44 9 for Franklin Iron & Metal on the map and maybe
09:51:47 10 circle it and write in dump, if you can.

09:52:18 11 (Pause in proceedings.)

09:52:19 12 Q. Let me ask you just a quick
09:52:22 13 question. Do you know where the Dayton Power
09:52:23 14 and Light service building was?

09:52:24 15 A. Yes.

09:52:25 16 Q. Was that in any proximity to the
09:52:27 17 dump?

09:52:27 18 A. I'm not sure.

09:52:30 19 Q. Okay.

09:52:40 20 A. It's not very clear so I wouldn't
09:52:43 21 be able to really pinpoint it.

09:52:45 22 Q. Uh-huh. Uh-huh. That's okay. If
09:52:49 23 you can't, you can't.

09:52:50 24 A. No.

09:52:50 25 Q. Now, tell me a little bit about

09:52:55 1 the route you took from Franklin Iron & Metal
09:52:57 2 to the dump, if you can remember.

09:53:01 3 A. No, I didn't -- I go down River
09:53:07 4 Road --

09:53:07 5 Q. Uh-huh.

09:53:11 6 A. -- and -- to the dump.

09:53:13 7 Q. Now, when you crossed -- where did
09:53:16 8 you cross the river?

09:53:17 9 A. Huh?

09:53:20 10 Q. Did you have to cross the river to
09:53:21 11 go to the dump?

09:53:22 12 A. Now, see, one side of the river is
09:53:29 13 West River Road and the other side is East
09:53:31 14 River Road.

09:53:31 15 Q. Uh-huh.

09:53:33 16 A. Now, East River Road runs off of
09:53:37 17 Broadway, Springboro Pike, whatever you want to
09:53:42 18 call it.

09:53:42 19 Q. Or off Dryden Road?

09:53:47 20 A. Yeah.

09:53:50 21 Q. Is that where the dump was?

09:53:52 22 A. See, Dryden Road, it -- well, East
09:53:59 23 River branched off to the right of Dryden.

09:54:02 24 Q. Sure. Right. Okay. But I'm
09:54:08 25 wondering if the dump was off of Dryden Road.

09:54:11 1 A. Uh-huh.

09:54:12 2 Q. Is that yes or no?

09:54:13 3 A. I beg your pardon?

09:54:15 4 Q. Was the dump off of Dryden Road?

09:54:17 5 A. It's been so long, I don't
09:54:26 6 remember was it off Dryden Road. But I do know
09:54:31 7 where that road is if I went there.

09:54:34 8 Q. Okay. So if we took you on a ride
09:54:38 9 down to the dump, you'd be able to point it
09:54:41 10 out?

09:54:41 11 A. I believe I would, but it's
09:54:45 12 been -- it's been -- see, I've been retired
09:54:48 13 twenty-seven years.

09:54:50 14 Q. Sure.

09:54:51 15 A. That's been quite a while.

09:54:53 16 Q. Yes. Yes. Okay. Well, let me
09:54:57 17 ask you, how often did you drive the Franklin
09:55:06 18 Iron & Metal waste truck to -- to the dump that
09:55:10 19 we've been discussing? How often?

09:55:13 20 A. Well, I guess just whenever they
09:55:17 21 got something to dump. Or, you know -- now,
09:55:23 22 there was other trucks running in there, too.

09:55:26 23 Q. Another truck?

09:55:27 24 A. I said other trucks.

09:55:28 25 Q. Yes.

09:55:30 1 A. I couldn't pinpoint who they was,
09:55:35 2 but I knew Franklin Iron & Metal, three other
09:55:42 3 guys, older guys was driving the straight
09:55:45 4 trucks. And they was -- was going back and
09:55:49 5 forth, too.

09:55:50 6 Q. Were they going back and forth to
09:55:52 7 the same dump?

09:55:53 8 A. Sometime they would.

09:55:56 9 Q. What would they take?

09:55:57 10 A. I don't know.

09:55:58 11 Q. But you knew what you took, right?

09:56:02 12 A. I really don't know. They were
09:56:04 13 loaded and they'd tell me to take it to the
09:56:08 14 dump and I'd take it to the dump and I'd just
09:56:11 15 raise the bed and dump it off and go back.

09:56:13 16 Q. And when you entered the dump, did
09:56:21 17 you see anything -- did you see a gate?

09:56:23 18 A. No, I didn't.

09:56:24 19 Q. Did you see a trailer?

09:56:25 20 A. I beg your pardon?

09:56:27 21 Q. Did you see a trailer at the dump?

09:56:29 22 A. A trailer?

09:56:30 23 Q. Yeah.

09:56:33 24 A. Sometime I would see other trucks
09:56:35 25 there. But now, who they was, it -- I mean, I

09:56:39 1 didn't pay any attention to them. They
09:56:41 2 wouldn't bother me, and I wouldn't bother them.

09:56:43 3 Q. I understand. Did you meet
09:56:46 4 anybody at the dump who worked there?

09:56:49 5 A. No, I did not.

09:56:50 6 Q. Did anyone direct you as to where
09:56:52 7 to dump the load?

09:56:53 8 A. Yes. It would be like -- there
09:57:10 9 would be somebody there and he would direct you
09:57:12 10 where to dump it at because -- and they was --
09:57:17 11 that's what he would do. That was his job. He
09:57:22 12 stayed down there.

09:57:23 13 Q. Do you know the name Grillot?

09:57:25 14 A. Who?

09:57:27 15 Q. Do you know the name Grillot,
09:57:29 16 G R I L L O T?

09:57:31 17 A. No, I don't.

09:57:32 18 Q. Do you know the name of anyone who
09:57:36 19 worked at the dump?

09:57:38 20 A. No. I didn't get acquainted with
09:57:40 21 those guys.

09:57:41 22 Q. Did you know the name of anyone
09:57:44 23 who owned the dump?

09:57:45 24 A. No, I did not.

09:57:46 25 Q. Did your dump truck ever get

09:58:27 1 loaded with scrap metal?

09:58:28 2 A. Well, sometime, when you're taking
09:58:34 3 it to the foundry, it would be loaded with
09:58:38 4 dump -- with scrap metal.

09:58:40 5 Q. And this was the foundry at
09:58:45 6 Franklin Iron & Metal?

09:58:47 7 A. Yeah. We go to -- refinery like
09:58:53 8 Kuhns Brothers.

09:58:53 9 Q. Which brothers would you go to?

09:58:55 10 A. GH&R.

09:58:57 11 Q. GH&R?

09:58:58 12 A. Kuhns Brothers and like that.

09:59:02 13 Q. And why would you go to those
09:59:06 14 foundries?

09:59:06 15 A. We take a load of iron, scrap
09:59:12 16 iron, you know, it would be cut a certain
09:59:15 17 length. And that's why I would go there.

09:59:19 18 Q. Would you pick up the scrap iron
09:59:22 19 from the foundries or drop them off or what?

09:59:24 20 A. No, you would pick it up at
09:59:26 21 Franklin Iron & Metal and take it to the
09:59:29 22 foundry.

09:59:30 23 Q. And did you pick up anything at
09:59:33 24 the foundries when you were there?

09:59:35 25 A. No.

09:59:35 1 Q. And what about scrap metal, did
09:59:43 2 that ever go to the dump in your truck?

09:59:48 3 A. Well, I never looked to see what
09:59:52 4 was there. All I did, they would tell you
09:59:56 5 where to go, and that's where you'd go.

09:59:59 6 Q. Now, when they told you to go to
10:00:01 7 the dump, what -- what did they say?

10:00:06 8 A. This load go to the dump.

10:00:09 9 Q. And did they tell you which dump
10:00:11 10 to send it to?

10:00:14 11 A. River Road dump.

10:00:19 12 Q. And was it always the same dump
10:00:21 13 that you went to when you took your dump truck
10:00:25 14 to the dump?

10:00:26 15 A. Yes.

10:00:26 16 Q. And I'm still a little confused as
10:00:30 17 to exactly where the dump was. Where the
10:00:36 18 entrance to the dump was? Was the entrance to
10:00:39 19 the dump off of Dryden Road?

10:00:44 20 MR. THUMANN: Objection. Form.

10:00:46 21 THE WITNESS: If I can remember
10:00:48 22 straight, correct, it was off River Road. If I
10:00:52 23 can remember correct.

10:00:53 24 Q. Do you remember any other
10:01:07 25 landmarks or buildings near the dump?

10:01:07 1 A. No.

10:01:11 2 Q. Was there a -- do you know if
10:01:12 3 there was a bar near the dump?

10:01:17 4 A. I didn't quite understand that.

10:01:21 5 Q. Do you know if there was like a
10:01:24 6 tavern or a bar near the dump?

10:01:26 7 A. I didn't know, sir.

10:01:28 8 Q. Do you know whether Dayton Power
10:01:38 9 and Light -- a Dayton Power and Light building
10:01:43 10 was near the dump?

10:01:44 11 A. I really didn't know it because I
10:01:47 12 was -- all I was interested in was going to the
10:01:49 13 dump and dump it off and go back.

10:01:51 14 Q. And when you came back, what road
10:02:00 15 did you take?

10:02:00 16 A. Huh?

10:02:02 17 Q. Do you remember what road you took
10:02:05 18 to come back to Franklin Iron & Metal?

10:02:07 19 A. I'd come back up -- hit Dryden.

10:02:11 20 Q. Hit Dryden.

10:02:14 21 A. Yeah. And take that into -- and
10:02:16 22 pick up Broadway and that --

10:02:23 23 Q. So you'd go up from River Road to
10:02:25 24 Dryden to Broadway?

10:02:26 25 A. Yeah.

10:02:27 1 Q. That's right?

10:02:29 2 A. Yeah.

10:02:29 3 Q. And where would you go after
10:02:31 4 Broadway?

10:02:32 5 A. After Broadway, I would come up
10:02:36 6 Broadway and most time I would turn on -- I'm
10:02:46 7 not sure.

10:02:47 8 Q. You're not sure where you went
10:02:54 9 after Broadway.

10:02:55 10 A. After Broadway, I would come on
10:03:04 11 up. Sometime I would hit Nicholas Road and
10:03:09 12 take that right across and -- by Carillon bell
10:03:14 13 and pick up 25 or Dixie. And I would take
10:03:18 14 Dixie up to when I get to First Street.

10:03:21 15 Q. Okay. Now, the other question I
10:03:24 16 want to ask you, Mr. Jordan, is you seem to --
10:03:28 17 you act like you weren't certain how long it
10:03:31 18 was -- we talked about you working at GH&R for
10:03:34 19 a couple months, then V. R. Rolls for a period
10:03:41 20 of time, and then you went over to Franklin
10:03:47 21 Iron & Metal.

10:03:47 22 A. Yes.

10:03:48 23 Q. And then after Franklin Iron &
10:03:51 24 Metal, you worked for Peerless?

10:03:53 25 A. That's correct.

10:03:54 1 Q. And I was a little confused as to
10:03:56 2 how long a period of time you worked at
10:03:58 3 Franklin Iron & Metal.

10:04:00 4 A. I'm not sure how many years I
10:04:04 5 worked there.

10:04:04 6 Q. Uh-huh. Could it have been more
10:04:09 7 than ten?

10:04:09 8 A. I'm not sure.

10:04:11 9 Q. If you had to give your best
10:04:19 10 approximation of how many years you worked
10:04:21 11 there, what would it be?

10:04:22 12 A. About eight to ten years. I'm not
10:04:28 13 sure now about that.

10:04:29 14 Q. And then after Franklin Iron &
10:04:37 15 Metal, Peerless, right?

10:04:38 16 A. Yes.

10:04:39 17 Q. What did you do for Peerless?

10:04:40 18 A. I was a driver, truck driver.

10:04:45 19 Q. Uh-huh. What kind of truck?

10:04:47 20 A. I drove an eighteen-wheeler.

10:04:57 21 Q. And what did you -- what did
10:04:59 22 you -- what was put into the eighteen-wheeler?

10:05:01 23 A. Well, we would haul freight.

10:05:07 24 Q. And was it an enclosed truck or
10:05:10 25 open flatbed?

10:05:11 1 A. Enclosed van. Enclosed bed,
10:05:21 2 trailer.

10:05:21 3 Q. Uh-huh.

10:05:25 4 A. The most we would haul would be
10:05:27 5 like food or paper, paper towels, and stuff
10:05:40 6 like that.

10:05:40 7 Q. Uh-huh.

10:05:44 8 A. That's it.

10:05:44 9 Q. Where were you based? Where was
10:05:51 10 your home base for Peerless?

10:05:53 11 A. At Peerless? It was on Perry
10:05:56 12 Street.

10:05:56 13 Q. What street?

10:05:59 14 A. Perry.

10:06:00 15 Q. And you drove the truck out of
10:06:02 16 that location?

10:06:02 17 A. Yes.

10:06:03 18 Q. Did you ever drive any waste for
10:06:09 19 Peerless?

10:06:09 20 A. No.

10:06:10 21 Q. Do you know if Peerless hauled
10:06:12 22 waste?

10:06:12 23 A. I don't know. To my knowledge,
10:06:23 24 they not hauling no waste.

10:06:25 25 Q. You don't know whether they did or

10:06:27 1 not?

10:06:27 2 A. Well, no, not to my knowledge.

10:06:29 3 Q. You never hauled waste for

10:06:30 4 Peerless?

10:06:31 5 A. No, I didn't.

10:06:32 6 Q. Did Peerless have a dispatcher for

10:06:35 7 the -- for the drivers, someone who said --

10:06:39 8 A. Yes, they did.

10:06:40 9 Q. -- pick this up, send this

10:06:43 10 somewhere? They did?

10:06:44 11 A. Yes.

10:06:44 12 Q. Do you remember the name of the

10:06:46 13 dispatcher or a -- one of the dispatchers?

10:06:52 14 A. Jack King.

10:06:54 15 Q. Was he your dispatcher?

10:06:55 16 A. Huh?

10:06:57 17 Q. Was he the one who instructed you

10:06:59 18 as to where -- where to go with the truck?

10:07:05 19 A. No. He was a dispatcher. He told

10:07:10 20 us where we were supposed to go.

10:07:11 21 Q. Is Jack King still alive?

10:07:13 22 A. I beg your pardon?

10:07:15 23 Q. Do you know if Jack King is still

10:07:17 24 alive?

10:07:18 25 A. I was told he had passed away.

10:07:21 1 Now, I was told that. I'm not for sure.

10:07:24 2 Q. I understand. Anyone else that
10:07:28 3 worked as the dispatcher for Peerless?

10:07:30 4 A. Well, before Jack King, when I
10:07:34 5 first went there, it was Earl Kettering.

10:07:39 6 Q. Earl?

10:07:40 7 A. Earl Kettering was dispatcher
10:07:42 8 before Jack King.

10:07:45 9 Q. Can you try spelling his last name
10:07:48 10 for me?

10:07:49 11 A. Earl Kettering.

10:07:50 12 Q. Now, any other drivers? Do you
10:07:58 13 remember any other drivers for Peerless?

10:08:00 14 A. There was quite a few of them. I
10:08:04 15 couldn't -- I don't know how many there was.

10:08:07 16 Q. More than ten?

10:08:08 17 A. Oh, yeah, more than ten.

10:08:11 18 Q. Uh-huh. Do you remember any
10:08:14 19 names?

10:08:15 20 A. Their names?

10:08:18 21 Q. Yeah. Do you remember the names
10:08:19 22 of any of the other drivers?

10:08:21 23 A. For Peerless?

10:08:24 24 Q. Yes.

10:08:24 25 A. Yeah, I can remember some of them.

10:08:26 1 Q. Okay. I'm going to write them
10:08:33 2 down if you remember them.

10:08:34 3 A. Tom Fox. Jake Stovell. I'm
10:08:46 4 trying to think. I'm trying to think of the
10:08:50 5 ones I don't know the whole name. Ben Popp.

10:08:59 6 Q. Puck?

10:09:04 7 A. Popp.

10:09:06 8 Q. Like P O P P or --

10:09:08 9 A. Yeah. And -- I know a lot of them
10:09:20 10 by their first name, but I don't know their
10:09:23 11 whole name.

10:09:25 12 Q. Of the three you mentioned, Fox,
10:09:29 13 Stovell, and Popp, do you know if any of them
10:09:30 14 are still alive?

10:09:32 15 A. No. I -- I don't have no
10:09:36 16 connection with them. I don't know.

10:09:37 17 Q. Do you have any connection with
10:09:40 18 anyone that you worked with at Peerless?

10:09:42 19 A. Not really.

10:09:45 20 Q. And what about for Franklin Iron &
10:09:50 21 Metal?

10:09:51 22 A. No. I -- I don't have -- I don't
10:09:56 23 know who alive or who not.

10:09:57 24 Q. I understand. Do you remember any
10:09:59 25 other names of people you worked with at

10:10:05 1 Franklin Iron & Metal?

10:10:05 2 A. Do I know the name?

10:10:07 3 Q. Other names. Yeah.

10:10:09 4 A. Well, now, Willie Werks, I know he
10:10:13 5 passed away. And some guy by the name of
10:10:19 6 Harvey. I don't know his last name. And
10:10:23 7 Leroy.

10:10:25 8 Q. You don't know his last name?

10:10:27 9 A. No, I don't know a last name. And
10:10:30 10 Robert.

10:10:30 11 Q. Do you know who took over driving
10:10:36 12 the waste truck for Franklin Iron & Metal after
10:10:39 13 you moved into the warehouse?

10:10:43 14 A. No, I don't.

10:10:43 15 Q. Do you know who drove the waste
10:10:47 16 truck before you at Franklin Iron & Metal?

10:10:50 17 A. No, I -- when I went to Franklin
10:10:55 18 Iron & Metal, I didn't know anybody until I got
10:10:59 19 acquainted with them after I went there.

10:11:00 20 Q. I understand. Okay. Did you ever
10:11:25 21 pick up, when you were working for Franklin
10:11:28 22 Iron & Metal, any scrap metal from the City of
10:11:30 23 Dayton?

10:11:31 24 A. Not to my knowledge. I didn't.

10:11:33 25 Q. Did you ever hear of a town called

10:11:48 1 Moraine, Ohio?

10:11:50 2 A. Moraine, Ohio?

10:11:52 3 Q. Yeah. Do you know the name of the
10:11:54 4 town Moraine, M O R A I N E?

10:11:57 5 A. I live in Moraine.

10:12:04 6 Q. You live in Moraine. Okay. I
10:12:07 7 didn't know that.

10:12:08 8 A. Well, see, Moraine comes up so far
10:12:12 9 and they took over so many houses out there on
10:12:18 10 Germantown Pike. So that's where I get my mail
10:12:22 11 from is through Moraine.

10:12:23 12 Q. I got you. Do you know whether
10:12:25 13 the dump that you were discussing earlier is in
10:12:27 14 Moraine?

10:12:33 15 A. No, I'm not sure.

10:12:34 16 Q. Now, when you worked for Franklin
10:12:53 17 Iron & Metal, you mentioned that you drove the
10:12:54 18 dump truck and then you worked at the
10:12:57 19 warehouse.

10:12:57 20 A. Yes.

10:12:57 21 Q. What did -- did you do anything
10:13:01 22 else for Franklin Iron & Metal?

10:13:04 23 A. No. I started -- I started out
10:13:10 24 there in the yard cutting iron.

10:13:11 25 Q. You started in the yard cutting

10:13:12 1 iron at Franklin Iron & Metal?

10:13:15 2 A. Yeah, with a torch. If it's too
10:13:20 3 big or too long, you cut it and single it to
10:13:27 4 pieces so the other guy can handle it.

10:13:29 5 Q. And did you then go to driving the
10:13:32 6 dump truck?

10:13:33 7 A. Yes.

10:13:34 8 Q. And then you worked at the
10:13:36 9 warehouse at the end of your time at Franklin
10:13:39 10 Iron & Metal?

10:13:39 11 A. Yeah.

10:13:40 12 Q. Now, thinking back to your time at
10:13:42 13 Franklin Iron & Metal, what did you do for
10:13:47 14 most of the time of those three --

10:13:50 15 A. I didn't quite understand.

10:13:59 16 Q. What did you -- how did you --
10:14:02 17 what was your main occupation at Franklin Iron
10:14:05 18 & Metal?

10:14:05 19 A. My main occupation after I went in
10:14:10 20 the warehouse is drive the lift truck. You
10:14:12 21 always got something to move around or either
10:14:17 22 they put trailers in there, you load some
10:14:20 23 papers in there, like cardboard or -- and they
10:14:23 24 take it to the mill, I guess.

10:14:25 25 Q. Did you -- the part of this I

10:14:28 1 don't understand is, were you driving the truck
10:14:31 2 at the same time you were working at the
10:14:35 3 warehouse on different days or was it you do
10:14:38 4 one thing, then the next, then the next?

10:14:41 5 A. No, I did one thing when I was in
10:14:43 6 the warehouse.

10:14:44 7 Q. And what about -- and that was
10:14:46 8 when you were in the warehouse?

10:14:47 9 A. Uh-huh.

10:14:48 10 Q. And when you were driving the lift
10:14:52 11 truck, is that the only thing you were doing?

10:14:54 12 A. Well, I drove the truck.

10:14:57 13 Q. Say that again.

10:14:58 14 A. I drove the truck.

10:14:59 15 Q. Uh-huh. Do you -- okay. Do you
10:15:23 16 remember a driver for Franklin Iron & Metal
10:15:26 17 named Calvin Bell?

10:15:28 18 A. Yeah.

10:15:29 19 Q. What kind of truck did he drive?

10:15:31 20 A. He drove an eighteen-wheeler.

10:15:34 21 Q. For Franklin?

10:15:38 22 A. For Franklin.

10:15:39 23 Q. Do you know if Calvin Bell is
10:15:42 24 still alive?

10:15:43 25 A. I don't have no knowledge.

10:15:46 1 Q. You couldn't say. What about
10:15:48 2 Louis Turner?

10:15:49 3 A. Louis Turner. I don't know
10:15:51 4 whether he alive or not.

10:15:53 5 Q. Was he a driver?

10:15:54 6 A. Yeah.

10:15:55 7 Q. What did he drive?

10:15:59 8 A. He drove tractor and trailers,
10:16:02 9 too, eighteen-wheelers.

10:16:03 10 Q. How about Henry Turner?

10:16:07 11 A. He worked in the garage.

10:16:09 12 Q. Was he a driver at any point?

10:16:11 13 A. I don't think he was. No, not to
10:16:14 14 my knowledge.

10:16:14 15 Q. Is he related to Louis?

10:16:16 16 A. Related to Louis?

10:16:20 17 Q. Was he related to Louis?

10:16:22 18 A. No, he was not.

10:16:23 19 Q. What about Morris Gilmore?

10:16:27 20 A. That was -- he was part of one of
10:16:30 21 the owners. Morris Gilmore.

10:16:32 22 Q. Still alive?

10:16:33 23 A. Huh?

10:16:35 24 Q. Do you know if he's still alive?

10:16:37 25 A. I don't have no knowledge.

10:16:38 1 Q. How about Matt Jones?

10:16:46 2 A. Matt Jones, I know he passed away.

10:16:48 3 Q. Uh-huh. What did he do?

10:16:52 4 A. Drove the truck.

10:16:53 5 Q. Which one?

10:16:54 6 A. Dempster.

10:16:59 7 Q. The dump truck, just like you?

10:17:01 8 A. Dempster. Now, there's a

10:17:07 9 difference in the Dempster and dump truck.

10:17:11 10 Dempster is pick it up and --

10:17:17 11 Q. And that was called a Dempster?

10:17:18 12 A. A Dempster.

10:17:20 13 Q. And Matt Jones drove the Dempster?

10:17:23 14 A. Yes.

10:17:24 15 Q. You never drove the Dempster?

10:17:26 16 A. No.

10:17:27 17 Q. Do you know what Matt Jones --

10:17:29 18 where Matt Jones took the Dempster?

10:17:32 19 A. No, I didn't.

10:17:33 20 Q. Do you remember a Betty that

10:17:39 21 worked in the office?

10:17:40 22 A. Yeah, I knowed her.

10:17:42 23 Q. Do you remember her last name?

10:17:43 24 A. I don't know.

10:17:44 25 Q. Do you know if she's still alive?

10:17:47 1 A. No, I don't.

10:17:47 2 Q. Let me try some names for

10:18:03 3 Peerless. How about Carl Schooler?

10:18:07 4 A. Carl Schooler, he a very good
10:18:11 5 friend of mine.

10:18:12 6 Q. Still?

10:18:13 7 A. Yeah.

10:18:13 8 Q. What did he do for Peerless?

10:18:15 9 A. He -- he drove a truck, too.

10:18:17 10 Q. Uh-huh. What kind of truck? Same
10:18:20 11 as you?

10:18:20 12 A. Well, some -- well, we -- we
10:18:27 13 would -- he -- he, more or less, a helper on
10:18:31 14 the trucks.

10:18:31 15 Q. Uh-huh. Did he ever go with you
10:18:35 16 in the truck as a helper?

10:18:36 17 A. Yes.

10:18:38 18 Q. Do you know where Carl Schooler
10:18:40 19 lives these days?

10:18:42 20 A. I didn't quite get you.

10:18:46 21 Q. Do you know where Carl Schooler
10:18:49 22 lives now?

10:18:50 23 A. No, but he -- he still alive,
10:18:53 24 though. He work for UPS freight now.

10:18:58 25 Q. He's still working?

10:19:00 1 A. Uh-huh.

10:19:00 2 Q. About how old would you say he is?

10:19:02 3 A. Well, he came to Peerless right

10:19:04 4 out of high school.

10:19:06 5 Q. Uh-huh. Okay. And does he live

10:19:10 6 in the Dayton area?

10:19:12 7 A. He gave me his address, but I

10:19:20 8 can't remember his exact address. No, I don't

10:19:29 9 remember his address.

10:19:30 10 Q. And Mike Dawson?

10:19:32 11 A. Mike Dawson?

10:19:34 12 Q. Yeah.

10:19:34 13 A. Yeah, I know Mike.

10:19:36 14 Q. He's still alive?

10:19:38 15 A. As far as I know.

10:19:39 16 Q. Did Mike drive a truck for

10:19:41 17 Peerless?

10:19:41 18 A. Yes.

10:19:42 19 Q. Do you know what he's doing today?

10:19:44 20 A. No.

10:19:45 21 Q. How about Robert Stephenson?

10:19:51 22 A. Well, we usually called him Bob

10:19:55 23 Stevens.

10:19:55 24 Q. How's it -- Bob Stephenson?

10:19:58 25 A. Yeah.

10:19:58 1 Q. I had his name written down.

10:20:02 2 A. Well, I -- that's what we call
10:20:05 3 him, Bob, all the time.

10:20:06 4 Q. Sure.

10:20:08 5 A. But I heard he killed himself.

10:20:10 6 Q. Oh, I'm sorry to hear that. Okay.

10:20:14 7 Why don't we take about a five or ten-minute
10:20:17 8 break and I'll have just a few more questions
10:20:20 9 and then we'll see if any of the other
10:20:24 10 attorneys in the room or on the phone have
10:20:26 11 questions. All righty?

10:20:29 12 A. Thank you.

10:20:30 13 Q. You're welcome. Thank you.

10:20:33 14 (Thereupon, a break was had.)

10:28:22 15 MR. SILVER: Mr. Jordan, I don't have
10:28:24 16 any more questions for you. I want to thank you
10:28:27 17 very much. And thank you for coming. It's been a
10:28:29 18 pleasure meeting you. The other lawyers may have
10:28:33 19 a question or two. So we're going to pass the
10:28:37 20 witness.

10:28:38 21 MR. THUMANN: No questions on behalf
10:28:39 22 of Franklin Iron & Metal.

10:28:40 23 MR. SAXTON: I have no questions.

10:28:42 24 MR. SMARDA: Cox Media has no
10:28:44 25 questions.

10:28:44 1 MR. SILVER: Okay. And on the phone,
10:28:46 2 any questions from the lawyers on the phone?

10:28:49 3 MR. NES: No questions for Brad Nes
10:28:52 4 on behalf of P-Americas.

10:28:53 5 MR. WINELAND: No questions for the
10:28:55 6 Sherwin-Williams Company.

10:28:57 7 MS. WRIGHT: No questions for
10:28:58 8 Pharmacia, LLC.

10:29:01 9 MS. SLACK: No questions for Kimberly
10:29:04 10 Clark, Corp.

10:29:08 11 MR. HAUGHEY: Hi, this is Steve
10:29:10 12 Haughey. I have -- I might have a couple of
10:29:13 13 questions for Mr. Jordan.

10:29:15 14 MR. SILVER: Steve, can you say who
10:29:16 15 you represent?

10:29:19 16 MR. HAUGHEY: Yes, Frost Brown Todd,
10:29:21 17 representing University of Dayton, Flowserve
10:29:25 18 Corporation, Standard Register as trial counsel,
10:29:29 19 and local counsel for Coca-Cola.

10:29:35 20 MR. SILVER: Go ahead, Steve.

10:29:35 21 CROSS-EXAMINATION

10:29:36 22 BY MR. HAUGHEY:

10:29:36 23 Q. Okay. Mr. Jordan, I only have a
10:29:40 24 couple of questions. My name is Steve Haughey.
10:29:43 25 Do you remember Mr. Silver asking you some

10:29:45 1 questions about the type of waste that you
10:29:49 2 would have hauled when you were driving a dump
10:29:53 3 truck for Franklin Iron & Metal. Do you
10:29:55 4 remember those questions?

10:29:56 5 A. Yes, I do.

10:29:58 6 Q. Okay. Do you remember if Franklin
10:30:04 7 Iron & Metal ever sent any hot metal or hot
10:30:11 8 slag waste to a dump site in a truck that you
10:30:16 9 drove?

10:30:16 10 A. Not to my knowledge.

10:30:18 11 Q. Okay. Thank you. That's all that
10:30:21 12 I have.

10:30:21 13 A. Uh-huh.

10:30:22 14 MR. SILVER: I believe we're done.

10:30:24 15 THE WITNESS: I believe we're done,
10:30:25 16 huh?

10:30:26 17 MR. SILVER: Yeah. Thank you for
10:30:28 18 coming.

10:30:29 19 MR. HAUGHEY: Yeah. Thank you.

10:30:30 20 MR. SILVER: All righty. We're going
10:30:31 21 to sign off everyone.

10:30:31 22 (Thereupon, an off-the-record
10:30:31 23 discussion was had.)

10:30:34 24 (Thereupon, signature was waived.)

10:30:34 25 (Thereupon, the deposition was

10:30:34

1 concluded at 10:30 a.m.)

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1 STATE OF OHIO)

2 COUNTY OF MONTGOMERY) SS: CERTIFICATE

3 I, Michelle A. Elam, a Notary
4 Public within and for the State of Ohio, duly
5 commissioned and qualified,

6 DO HEREBY CERTIFY that the
7 above-named HENRY JORDAN, was by me first duly
8 sworn to testify the truth, the whole truth and
9 nothing but the truth.

10 Said testimony was reduced to
11 writing by me stenographically in the presence
12 of the witness and thereafter reduced to
13 typewriting.

14 I FURTHER CERTIFY that I am not a
15 relative or Attorney of either party, in any
16 manner interested in the event of this action,
17 nor am I, or the court reporting firm with which
18 I am affiliated, under a contract as defined in
19 Civil Rule 28(D).

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1 IN WITNESS WHEREOF, I have hereunto set
2 my hand and seal of office at Dayton, Ohio, on
3 this ____ day of _____, 2013.

MICHELLE A. ELAM
NOTARY PUBLIC, STATE OF OHIO
My commission expires 5-2-2015



PENGAD 800-631-6889

Jordan 1
EXHIBIT
9/17/13 Nue